

**Before the
Federal Communications Commission
Washington, D.C. 20554**

**STAMP &
RETURN
RECEIVED - FCC**

JAN 25 2007

In the Matter of

Advanced Television Systems and their
Impact upon the Existing Television
Broadcast Service

)
)
)
)
)
)
)

MB Docket No. 87-268

Federal Communications Commission
Bureau / Office

TO: The Chief, Media Bureau

COMMENTS OF SOUTHERN BROADCASTING, INC.

I. Preliminary Statement

1. By *Seventh Further Notice of Proposed Rulemaking*, FCC 06-150, released on October 20, 2006 ("*Further Notice*")¹, the Commission proposed the adoption of a new Digital Television Table of Allotments to provide all eligible stations with channels for digital television ("DTV") operations after the DTV transition Comments on the *Further Notice* were initially due on January 11, 2007. Pursuant to a request for extension of time to file, the Commission extended the filing date for filing comments to January 25, 2007. Accordingly, these "Comments" are timely filed.²

2. Pursuant to the provisions of §§1.415 and 1.421 of the Commission's rules, Southern Broadcasting, Inc. ("SBI"), licensee of Television Station WKDH (NTSC Channel 45), and permittee of Television Station WKDH-DT (DTV Channel 45),

¹ *Seventh Further Notice of Proposed Rulemaking*, 21 FCC Rcd 12100 (2006).

² See *Order Granting Extension of Time for Filing Comments and Reply Comments* (DA 07-38), released January 9, 2007.

Houston, Mississippi, hereby submits its “Comments” in opposition to the adoption of the *Further Notice* to the extent that proposed §73.622(i) directly relates to the technical parameters (*i.e.*, the Effective Radiated Power) for DTV Channel 45 at Houston, Mississippi, WKDH-DT’s community of license, as reflected in Appendix B of the *Further Notice*.³

II. Proposed WKDH Allotment Varies from Authorized and Constructed Facilities

3. Throughout these proceedings, WKDH has been treated as a “singleton,” meaning it was never allotted a second or “paired” channel to convert to DTV because its initial construction permit was granted after April 3, 1997.⁴ Accordingly, in its “Digital Channel Election For—Second Round Election” (FCC Form 384) submission of October 28, 2005, SBI advised the Commission that it was electing its present analog allotment, Channel 45, as its in-core channel preference for final DTV operations. Subsequently, SBI filed its Application for Construction Permit (FCC Form 301) for authority to “flash-cut” from NTSC Channel 45 to DTV Channel 45.⁵ The application (FCC Form 301) proposed at Section III-D (DTV Engineering), questions 8 and 9, respectively, a “Height of Radiation Center Above Average Terrain” of 491 meters, and a “Maximum Effective

³ See “Excerpt from Appendix B of *Further Notice*” a copy of which is appended hereto as Attachment A.

⁴ See *In the Matter of Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion To Digital Television*, MB Docket No. 03-15; RM 9832, 19 FCC Rcd 18279 (2004) at footnote 101.

⁵ See Application for Construction Permit (FCC Form 301) FCC File No. BPCDT-20060519 a copy of which is appended hereto as Attachment B. The application superseded an earlier application that was dismissed pursuant to SBI’s request.

Radiated Power” of 537 kW.” The application was granted by the Commission on June 5, 2006.⁶ It correctly reflects the station’s authorized ERP as 537 kW.

4. Contrary to the information submitted in FCC Form 301, and in conflict with the ERP reflected by the Construction Permit as granted, “Appendix B” (Proposed DTV Table of Allotments Information) to the *Further Notice* proposes an Effective Radiated Power of only 50 kW at 491 meters “Height of Radiation Center Above Average Terrain,” for Channel 45 at Houston, Mississippi, a reduction of 93% from the authorized power! SBI expended a significant amount of money, time and effort in formulating its DTV proposal for WKDH.⁷

5. At this point in time, construction of WKDH-DT is virtually complete, and SBI is preparing to throw the switch in approximately 24 hours to “flash-cut” WKDH to DTV operations with authorized power of 537 kW and a Height of Radiation Center Above Average Terrain of 491 meters. Because of WKDH’s “singleton” status, and its plan to “flash-cut,” the accurate and successful transition to DTV is imperative to the station’s existence and its service to the public. It should be noted that at no time was WKDH or its counsel advised that the duly authorized power of 537 kW might be subject to a reduction, let alone one of such magnitude.

6. The financial burden of constructing DTV facilities for a station in the Columbus-Tupelo-West Point DMA, which ranks only as #132, has been enormous.

⁶ See Digital Television Broadcast Station Construction Permit (FCC Form 352-A; FCC File No. BPCDT-20060519) a copy of which is appended hereto as Attachment C.


⁷ Indeed, while of little legal significance, counsel even discussed the WKDH “flash-cut” proposal—including the specified permissible ERP—with Commission staff members on more than one occasion. In essence, the HAAT and ERP were pre-approved. In fact, an earlier “Application for Minor Change in Licensed Facility” proposed an ERP of 1 kW at a height of 593.7 meters. An error in the engineering calculations in that application resulted in an informal request from the staff that the application be dismissed because the ERP exceeded permissible limits.

WKDH-DT's authorized and constructed facilities with an ERP of 537 kW, has been determined to be what is technically required to replicate its previously authorized analog facilities. An ERP of only 50 kW would be devastating for this small market broadcaster.

III. Conclusion

7. In view of the foregoing, and with particular emphasis on the fact that SBI has completed construction of WKDH-DT with its duly authorized power of 537 kW at 491 meters, SBI hereby requests that the Commission modify its proposed amendment of §73.622 of its rules and the new DTV Table of Allotments as it would apply to WKDH-DT, Channel 45, Houston, Mississippi, by deleting the reference at proposed §73.622(i) to a DTV ERP of 50 kW, and substituting therefor a DTV ERP of 537 kW. It is sincerely hoped that the proposed 93% reduction in power resulting from an ERP of only 50 kW was merely the result of a clerical error. In any case, the Effective Radiated Power for WKDH-DT in the proposed new DTV Table of Allotments should read 537 kW, consistent with its authorized and constructed facilities.

Respectfully submitted,
SOUTHERN BROADCASTING, INC.

By: 
Robert E. Levine
Its Attorney

Law Offices of Robert E. Levine
1920 N Street, N.W.
Suite 800
Washington, DC 20036
(202) 263-4110

January 25, 2007

ATTACHMENT A

[Excerpted from *Seventh Further Notice of Proposed Rulemaking*, 21 FCC Rcd 12100 (2006)]

APPENDIX B

PROPOSED DTV TABLE OF ALLOTMENTS INFORMATION

Facility ID	State and City	NTSC Chan	Chan	DTV ERP (kW)	HAAT (m)
83310	MS HOUSTON		45	45 50	491

Facility ID	Antenna ID	Latitude (DDMMSS)	Longitude (DDDMMSS)	DTV Area (sq km)	Population (thousand)	Percent Interference Received
83310	74777	334740	890516	23489	478	0

Federal Communications Commission Washington, D.C. 20554	Approved by OMB 3060-0027 (September 2005)	FOR FCC USE ONLY
FCC 301		FOR COMMISSION USE ONLY FILE NO. BPCDT - 20060519ABE
APPLICATION FOR CONSTRUCTION PERMIT FOR COMMERCIAL BROADCAST STATION		
Read INSTRUCTIONS Before Filling Out Form		

Section I - General Information

1.	Legal Name of the Applicant SOUTHERN BROADCASTING, INC.		
	Mailing Address P. O. BOX 1645		
	City TUPELO	State or Country (if foreign address) MS	ZIP Code 38802 -
	Telephone Number (include area code) 6624564558		E-Mail Address (if available)
	FCC Registration Number: 0004935599	Call Sign WKDH	Facility ID Number 83310
2.	Contact Representative (if other than Applicant) ROBERT E. LEVINE		Firm or Company Name LAW OFFICES OF ROBERT E. LEVINE
	Telephone Number (include area code) 2022634110		E-Mail Address (if available) RELEVINE@ATT.NET
3.	If this application has been submitted without a fee, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114): <input type="radio"/> Governmental Entity <input checked="" type="radio"/> Other PREVIOUSLY PAID <input type="radio"/> N/A (Fee Required)		
4.	Application Purpose <input type="radio"/> New station <input type="radio"/> Major Modification of construction permit <input type="radio"/> Minor Modification of construction permit <input type="radio"/> Major Amendment to pending application (a) File number of original construction permit: (b) Service Type: (c) Community of License: City: HOUSTON (d) Facility Type: If an amendment, submit as an Exhibit a listing by Section and Question Number the portions of the pending application that are being revised.		

☐ New Station with Petition for Rulemaking or
Counterproposal to Amend FM Table of Allotments
☐ Major Change in licensed facility
☒ Minor Change in licensed facility
☐ Minor Amendment to pending application
☐ NA
☐ AM ☐ FM ☐ TV ☒ DTV

 State: MS
☒ Main ☐ Auxiliary

[Exhibit 1]

NOTE: In addition to the information called for in this section, an explanatory exhibit providing full particulars must be submitted for each question for which a "No" response is provided.

Section II - Legal

1.	Certification. Applicant certifies that it has answered each question in this application based on its review of the application instructions and worksheets. Applicant further certifies that where it has made an affirmative certification below, this certification constitutes its representation that the application satisfies each of the pertinent standards and criteria set forth in the application instructions and worksheets.	<input checked="checked" type="radio"/> Yes <input type="radio"/> No																														
2.	Parties to the Application. a. List the applicant, and, if other than a natural person, its officers, directors, stockholders with attributable interests, non-insulated partners and/or members. If a corporation or partnership holds an attributable interest in the applicant, list separately its officers, directors, stockholders with attributable interests, non-insulated partners and/or members. Create a separate row for each individual or entity. Attach additional pages if necessary.																															
<div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <p>(1) Name and address of the applicant and each party to the application holding an attributable interest (if other than individual also show name, address and citizenship of natural person authorized to vote the stock or holding the attributable interest). List the applicant first, officers next, then directors and, thereafter, remaining stockholders and other entities with attributable interests, and partners.</p> </div> <div style="width: 48%;"> <p>(2) Citizenship.</p> <p>(3) Positional Interest: Officer, director, general partner, limited partner, LLC member, investor/creditor attributable under the Commission's equity/debt plus standard, etc.</p> <p>(4) Percentage of votes.</p> <p>(5) Percentage of total assets (equity plus debt).</p> </div> </div> <p>[Enter Parties/Owners Information]</p> <div style="text-align: center; margin-top: 20px;"> Parties to the Application </div> <p>List the applicant, and, if other than a natural person, its officers, directors, stockholders with attributable interests, non-insulated partners and/or members. If a corporation or partnership holds an attributable interest in the applicant, list separately its officers, directors, stockholders with attributable interests, non-insulated partners and/or members. Create a separate row for each individual or entity. Attach additional pages if necessary.</p> <p>(1) Name and address of the applicant and each party to the application holding an attributable interest (if other than individual also show name, address and citizenship of natural person authorized to vote the stock or holding the attributable interest). List the applicant first, officers next, then directors and, thereafter, remaining stockholders and other entities with attributable interests, and partners.</p> <p>(2) Citizenship.</p> <p>(3) Positional Interest: Officer, director, general partner, limited partner, LLC member, investor/creditor attributable under the Commission's equity/debt plus standard, etc.</p> <p>(4) Percentage of votes.</p> <p>(5) Percentage of total assets (equity plus debt).</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 35%;">(1) Name and Address</th> <th style="width: 10%;">(2) Citizenship</th> <th style="width: 25%;">(3) Positional Interest</th> <th style="width: 15%;">(4) Percentage of Votes</th> <th style="width: 15%;">(5) Percentage of Assets</th> </tr> </thead> <tbody> <tr> <td>KYLE SPAIN, 423 KNIGHT WAY, LACANADA, CA 91011</td> <td>US</td> <td>SECRETARY-TREASURER/DIRECTOR</td> <td>50</td> <td>50</td> </tr> </tbody> </table> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 35%;">(1) Name and Address</th> <th style="width: 10%;">(2) Citizenship</th> <th style="width: 25%;">(3) Positional Interest</th> <th style="width: 15%;">(4) Percentage of Votes</th> <th style="width: 15%;">(5) Percentage of Assets</th> </tr> </thead> <tbody> <tr> <td>SOUTHERN BROADCASTING, INC., P.O. BOX 1645, TUPELO, MS 38802</td> <td>NA</td> <td>LICENSEE</td> <td>0</td> <td>0</td> </tr> </tbody> </table> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 35%;">(1) Name and Address</th> <th style="width: 10%;">(2) Citizenship</th> <th style="width: 25%;">(3) Positional Interest</th> <th style="width: 15%;">(4) Percentage of Votes</th> <th style="width: 15%;">(5) Percentage of Assets</th> </tr> </thead> <tbody> <tr> <td>WALTER D. SPAIN, 1210 ROBIN COVE, TUPELO, MS 38801</td> <td>US</td> <td>PRESIDENT/DIRECTOR</td> <td>50</td> <td>50</td> </tr> </tbody> </table>			(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of Assets	KYLE SPAIN, 423 KNIGHT WAY, LACANADA, CA 91011	US	SECRETARY-TREASURER/DIRECTOR	50	50	(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of Assets	SOUTHERN BROADCASTING, INC., P.O. BOX 1645, TUPELO, MS 38802	NA	LICENSEE	0	0	(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of Assets	WALTER D. SPAIN, 1210 ROBIN COVE, TUPELO, MS 38801	US	PRESIDENT/DIRECTOR	50	50
(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of Assets																												
KYLE SPAIN, 423 KNIGHT WAY, LACANADA, CA 91011	US	SECRETARY-TREASURER/DIRECTOR	50	50																												
(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of Assets																												
SOUTHERN BROADCASTING, INC., P.O. BOX 1645, TUPELO, MS 38802	NA	LICENSEE	0	0																												
(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of Assets																												
WALTER D. SPAIN, 1210 ROBIN COVE, TUPELO, MS 38801	US	PRESIDENT/DIRECTOR	50	50																												

http://svartifoss2.fcc.gov/cgi-bin/ws.exe/prod/cdbs/forms/prod/cdbsmenu.hts?context=25&... 1/24/2007

to 47 C.F.R. Section 73.5005(a), that it has attached an exhibit containing the information required by 47 C.F.R. Sections 1.2107(d), 1.2110(i), 1.2112(a) and 1.2112(b), if applicable. An exhibit is required unless this question is inapplicable.	<input checked="" type="radio"/> N/A [Exhibit 10]
11. Anti-Drug Abuse Act Certification. Applicant certifies that neither applicant nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.	<input checked="" type="radio"/> Yes <input type="radio"/> No
12. Equal Employment Opportunity (EEO). If the applicant proposes to employ five or more full-time employees, applicant certifies that it is filing simultaneously with this application a Model EEO Program Report on FCC Form 396-A.	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A
13. Petition for Rulemaking/Counterproposal to Add New FM Channel to FM Table of Allotments. If the application is being submitted concurrently with a Petition for Rulemaking or Counterproposal to Amend the FM Table of Allotments (47 C.F.R. section 73.202) to add a new FM channel allotment, petitioner/counter-proponent certifies that, if the FM channel allotment requested is allotted, petitioner/counter-proponent will apply to participate in the auction of the channel allotment requested and specified in this application.	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations. I hereby waive any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and request an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

Typed or Printed Name of Person Signing WALTER D. SPAIN	Typed or Printed Title of Person Signing PRESIDENT
Signature	Date 05/18/2006

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

SECTION III-D - DTV ENGINEERING DATA

Complete Questions 1-5 of the Certification Checklist and provide all data and information for the proposed facility, as requested in Technical Specifications, Items 1-13.

Certification Checklist: A correct answer of "Yes" to all of the questions below will ensure an expeditious grant of a construction permit. However, if the proposed facility is located within the Canadian or Mexican borders, coordination of the proposal under the appropriate treaties may be required prior to grant of the application. An answer of "No" will require additional evaluation of the applicable information in this form before a construction permit can be granted.

1. The proposed DTV facility complies with 47 C.F.R. Section 73.622 in the following respects:	
(a) It will operate on the DTV channel for this station as established in 47 C.F.R. Section 73.622.	<input type="radio"/> Yes <input checked="" type="radio"/> No
(b) It will operate from a transmitting antenna located within 5.0 km (3.1 miles) of the DTV reference site for this location as established in 47 C.F.R. Section 73.622.	<input type="radio"/> Yes <input checked="" type="radio"/> No
(c) It will operate with an effective radiated power (ERP) and antenna height above average terrain (HAAT) that do not exceed the DTV reference ERP and HAAT for this station as established in 47 C.F.R. Section 73.622.	<input type="radio"/> Yes <input checked="" type="radio"/> No
2. The proposed facility will not have a significant environmental impact, including exposure of workers or the general public to levels of RF radiation exceeding the applicable health and safety guidelines, and therefore will not come within 47 C.F.R. Section 1.1307. Applicant must submit the Exhibit called for in Item 13.	<input checked="" type="radio"/> Yes <input type="radio"/> No
3. Pursuant to 47 C.F.R. Section 73.625, the DTV coverage contour of the proposed facility will	<input checked="" type="radio"/> Yes <input type="radio"/> No

encompass the allotted principal community.		
4.	The requirements of 47 C.F.R. Section 73.1030 regarding notification to radio astronomy installations, radio receiving installations and FCC monitoring stations have either been satisfied or are not applicable.	<input checked="" type="radio"/> Yes <input type="radio"/> No
5.	The antenna structure to be used by this facility has been registered by the Commission and will not require registration to support the proposed antenna, OR the FAA has previously determined that the proposed structure will not adversely effect safety in air navigation and this structure qualifies for later registration under the Commission's phased registration plan, OR the proposed installation on this structure does not require notification to the FAA pursuant to 47 C.F.R. Section 17.7.	<input checked="" type="radio"/> Yes <input type="radio"/> No

SECTION III-D - DTV Engineering	
TECHNICAL SPECIFICATIONS	
Ensure that the specifications below are accurate. Contradicting data found elsewhere in this application will be disregarded. All items must be completed. The response "on file" is not acceptable.	
TECH BOX	
1.	Channel Number: DTV 45 Analog TV, if any
2.	Zone: <input type="radio"/> I <input checked="" type="radio"/> II <input type="radio"/> III
3.	Antenna Location Coordinates: (NAD 27) Latitude: Degrees 33 Minutes 47 Seconds 39.6 <input checked="" type="radio"/> North <input type="radio"/> South Longitude: Degrees 89 Minutes 5 Seconds 15.8 <input checked="" type="radio"/> West <input type="radio"/> East
4.	Antenna Structure Registration Number: 1040183 <input checked="" type="checkbox"/> Not Applicable <input type="checkbox"/> Notification filed with FAA
5.	Antenna Location Site Elevation Above Mean Sea Level: 176.7 meters
6.	Overall Tower Height Above Ground Level: 485.5 meters
7.	Height of Radiation Center Above Ground Level: 417 meters
8.	Height of Radiation Center Above Average Terrain : 491 meters
9.	Maximum Effective Radiated Power : 537 kW
10.	Antenna Specifications: a. Manufacturer SWR Model SWMPS24ML/45 b. Electrical Beam Tilt: 0.75 degrees <input type="checkbox"/> Not Applicable c. Mechanical Beam Tilt: degrees toward azimuth degrees True <input checked="" type="checkbox"/> Not Applicable Attach as an Exhibit all data specified in 47 C.F.R. Section 73.685.

[Exhibit
42]

d. Polarization:

☒ Horizontal ☐ Circular ☐ Ellipticale. Directional Antenna Relative Field Values: ☐ Not applicable (Nondirectional)

[For a composite directional (not off-the-shelf) antenna, press the following button to fill in the relative field values subform.]

[Relative Field Values]

10e. Directional Antenna Relative Field Values

[Fill in this subform for a composite directional (not off-the-shelf) antenna, only.]

e. Directional Antenna Relative Field Values:

Rotation (Degrees): 80 ☐ No Rotation

Degrees	Value	Degrees	Value	Degrees	Value	Degrees	Value	Degrees	Value	Degrees	Value
0	1	10	1	20	0.97	30	0.9	40	0.84	50	0.76
60	0.7	70	0.64	80	0.57	90	0.5	100	0.43	110	0.34
120	0.25	130	0.2	140	0.17	150	0.2	160	0.25	170	0.28
180	0.3	190	0.28	200	0.25	210	0.2	220	0.17	230	0.2
240	0.25	250	0.34	260	0.43	270	0.5	280	0.57	290	0.64
300	0.7	310	0.76	320	0.84	330	0.9	340	0.97	350	1

Additional
AzimuthsRelative Field Polar PlotIf a directional antenna is proposed, the requirements of 47 C.F.R. Sections 73.625(c) must be satisfied. **Exhibit required.**

[Exhibit 43]

11. Does the proposed facility satisfy the interference protection provisions of 47 C.F.R. Section 73.623(a)? (Applicable only if **Certification Checklist** items 1(a), (b), or (c) are answered "No".)

☒ Yes ☐ No

[Exhibit 44]

If No, attach as an Exhibit justification therefore, including a summary of any previously granted waivers.

12. If the proposed facility will not satisfy the coverage requirement of 47 C.F.R. Section 73.625, attach as an Exhibit justification therefore. (Applicable only if **Certification Checklist** item 3 is answered "No".)

[Exhibit 45]

13. **Environmental Protection Act.** Submit in an Exhibit the following:

[Exhibit 46]

If **Certification Checklist** Item 2 is answered "Yes," a brief explanation of why an Environmental Assessment is not required. Also describe in the Exhibit the steps that will be taken to limit RF radiation exposure to the public and to persons authorized access to the tower site.

By checking "Yes" to **Certification Checklist** Item 2, the applicant also certifies that it, in coordination with other users of the site, will reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic exposure in excess of FCC guidelines.

If Certification Checklist Item 2 is answered "No," an Environmental Assessment as required by 47 C.F.R Section 1.1311.

PREPARERS CERTIFICATION ON SECTION III MUST BE COMPLETED AND SIGNED.

SECTION III - PREPARER'S CERTIFICATION

I certify that I have prepared Section III (Engineering Data) on behalf of the applicant, and that after such preparation, I have examined and found it to be accurate and true to the best of my knowledge and belief.

Name DANE E. ERICKSEN, P.E.	Relationship to Applicant (e.g., Consulting Engineer) CONSULTING ENGINEER	
Signature	Date 05/17/2006	
Mailing Address HAMMETT & EDISON, INC. BOX 280068		
City SAN FRANCISCO	State or Country (if foreign address) CA	Zip Code 94128 -
Telephone Number (include area code) 7079965200	E-Mail Address (if available) DERICKSEN@H-E.COM	

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

Exhibits

Exhibit 1

Description: REQUEST FOR WAIVER OF INITIAL CHANNEL ELECTION DEADLINE

THE INSTANT APPLICATION IS NOT AN AMENDMENT. HOWEVER, THE FOLLOWING INFORMATION IS ESSENTIAL FOR A COMPLETE UNDERSTANDING OF THE NATURE OF THE APPLICATION:

DIGITAL CHANNEL ALLOTMENT

(COMPLIANCE WITH SECTION 73.607 OF THE COMMISSIONS RULES)

SOUTHERN BROADCASTING, INC. (HEREINAFTER SOUTHERN), LICENSEE OF TELEVISION STATION WKDH, NTSC CHANNEL 45, ABC, HOUSTON, MISSISSIPPI, RECEIVED NO DTV ALLOTMENT BECAUSE IT WAS NOT AUTHORIZED TO CONSTRUCT UNTIL AFTER THE COMMISSIONS APRIL 3, 1997 ELIGIBILITY DATE TO RECEIVE A PAIRED DIGITAL ALLOTMENT. IN ITS DIGITAL CHANNEL ELECTION FORM SECOND ROUND ELECTION (FCC FORM 384) SUBMISSION OF OCTOBER 28, 2005, SOUTHERN ADVISED THE

COMMISSION THAT IT WAS ELECTING ITS PRESENT ANALOG ALLOTMENT NTSC CHANNEL 45 AS ITS IN-CORE CHANNEL PREFERENCE FOR FINAL DTV OPERATIONS.

BECAUSE OF ITS STATUS AS A SINGLETON, SOUTHERN FINDS ITSELF IN A PROBLEMATIC SITUATION. FOR SOME TIME, WKDH NTSC TRANSMITTER HAS BEEN MALFUNCTIONING, AND IS IN A SEVERELY DETERIORATED CONDITION. CLEARLY, THE TRANSMITTER NEEDS TO BE REPLACED. HOWEVER, THIS PRESENTS A VERY SERIOUS TIMING PROBLEM AND A FINANCIAL PROBLEM FOR AN ALREADY STRUGGLING STATION. SHOULD SOUTHERN BROADCASTING FIND IT NECESSARY TO REPLACE THE PRESENT WKDH NTSC TRANSMITTER WITH A NEW NTSC TRANSMITTER, THEN IT MAY BE FACED WITH A RATHER LARGE, DOUBLE EXPENSE, BECAUSE OF THE SUBSEQUENT NEED TO REPLACE IT WITH A NEW ATSC TRANSMITTER. OBVIOUSLY, THE PURCHASE OF A NEW NTSC TRANSMITTER WITH AN INHERENTLY SHORT LIFE-SPAN WOULD BE AN EXTREMELY POOR AND UNWISE INVESTMENT, AS THE TRANSMITTER WOULD BE USEFUL ONLY UNTIL THE END OF THE TRANSITION, AT BEST.

AT PARAGRAPH 95 OF ITS REPORT AND ORDER IN THE SECOND PERIODIC REVIEW OF THE COMMISSIONS RULES AND POLICIES AFFECTING THE CONVERSION TO DIGITAL TELEVISION, 19 FCC RCD 18279 (2004) (REPORT AND ORDER), THE COMMISSION OUTLINED PROCEDURES FOR PERMITTING CERTAIN LICENSEES, INCLUDING THOSE LIKE WKDH WHICH HAS ONLY A SINGLE CHANNEL, TO FLASH CUT TO DIGITAL ON THEIR IN-CORE CHANNEL NO LATER THAN THE END OF THE TRANSITION IN THE STATIONS MARKETS. BECAUSE OF ITS PRESENT CIRCUMSTANCES, SOUTHERN WISHES TO AVAIL ITSELF OF THE COMMISSIONS POLICY FOR SINGLETONS SEEKING TO FLASH CUT, BY COMMENCING PERMANENT DIGITAL OPERATIONS ON CHANNEL 45. HOWEVER, STATIONS WISHING TO FOLLOW THE FLASH CUT PROCEDURE OUTLINED IN THE REPORT AND ORDER, WERE GIVEN ONLY UNTIL THEIR INITIAL CHANNEL ELECTION DEADLINE TO ADVISE THE COMMISSION OF THEIR DESIRE AND INTENT TO FOLLOW THAT PROCEDURE. HAD SOUTHERN REPLACED THE WKDH TRANSMITTER WITH A NEW ATSC TRANSMITTER EARLIER, IT LIKELY WOULD HAVE BEEN PERMITTED UNDER COMMISSION POLICIES TO FLASH CUT TO DTV UPON COMPLETION OF THE INSTALLATION OF A NEW DIGITAL TRANSMITTER. HOWEVER, ONE MINOR OBSTACLE TO THIS APPROACH THE PASSING OF THAT DEADLINE POSSIBLY REQUIRES A COMMISSION WAIVER. ACCORDINGLY, TO THE EXTENT REQUIRED, A WAIVER OF THE INITIAL CHANNEL ELECTION DEADLINE IS HEREBY REQUESTED.

THIS PROPOSAL WOULD RESOLVE THE ISSUE OF WHETHER WKDH SHOULD NOW PURCHASE A NEW ANALOG TRANSMITTER, OR A NEW DIGITAL TRANSMITTER. CORRESPONDINGLY, IT WOULD SAVE WKDH THE SUM OF APPROXIMATELY \$500,000.00 FOR THE COST OF AN ANALOG TRANSMITTER AND ASSOCIATED EXPENSES ALL FOR A TRANSMITTER WHICH WOULD BE USEFUL ONLY UNTIL THE END OF THE TRANSITION. SIMILARLY, WKDH'S FLASH CUT PROPOSAL WOULD PROVIDE AN EARLIER COMMENCEMENT OF DIGITAL OPERATIONS BY WKDH IN THE COLUMBUS-TUPELO-WEST POINT, MISSISSIPPI TELEVISION MARKET THAN OTHERWISE MIGHT OCCUR.

Attachment 1

Attachment 43

Description
<u>Antenna documentation</u>

Exhibit 46

Description: ENVIRONMENTAL CONSIDERATIONS

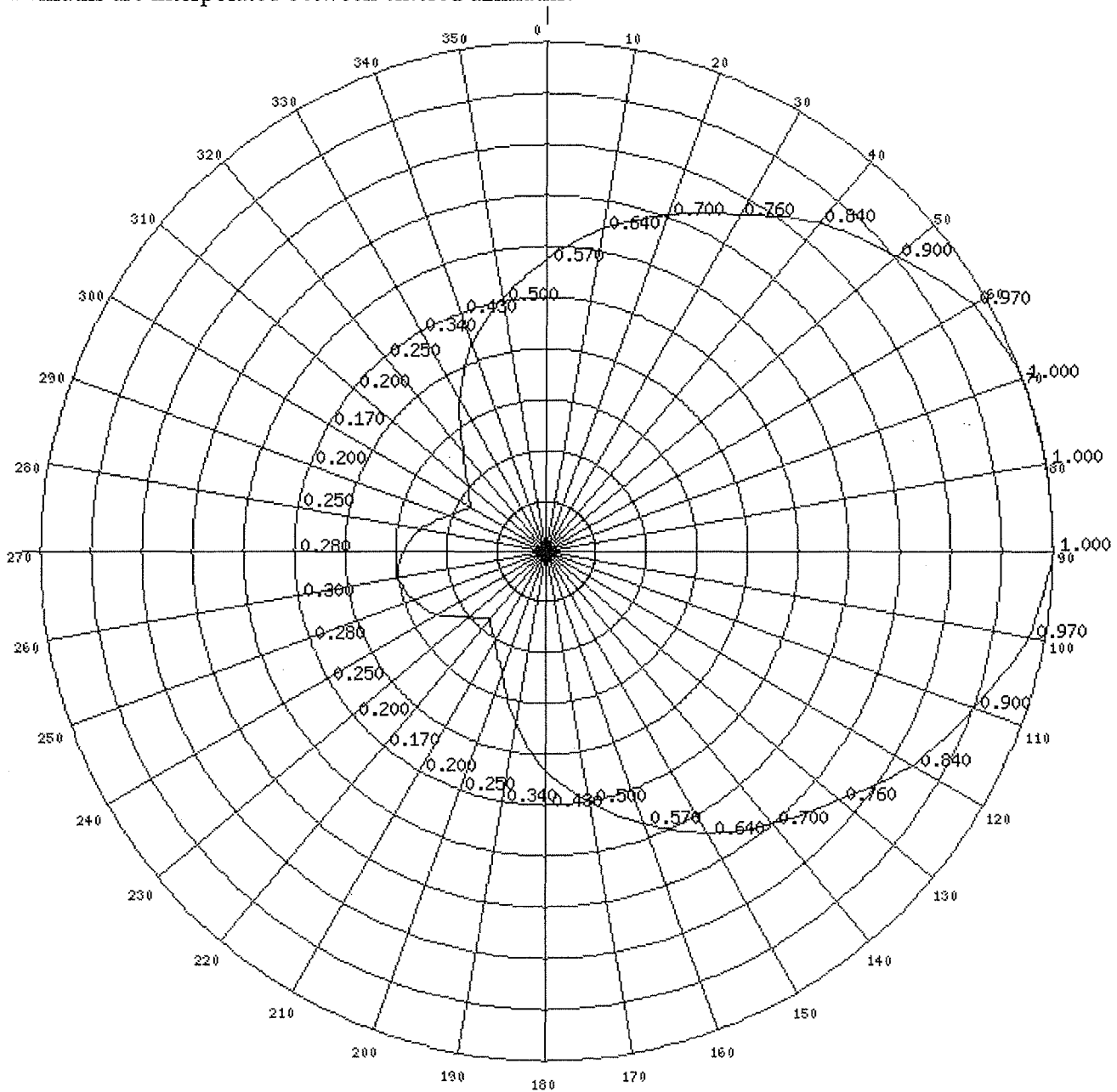
GRANT OF THIS APPLICATION WOULD NOT CONSTITUTE A MAJOR ENVIRONMENTAL ACTION. THIS IS A FLASH-CUT APPLICATION, TO ALLOW WKDH TO CHANGE FROM NTSC CHANNEL 45 TO DTV CHANNEL 45. THE EXISTING, IN-PLACE SWR TRANSMITTING ANTENNA, SIDE-MOUNTED ON AN EXISTING TOWER THAT HAS BEEN REGISTERED WITH THE COMMISSION, WILL NOT BE PHYSICALLY CHANGED.

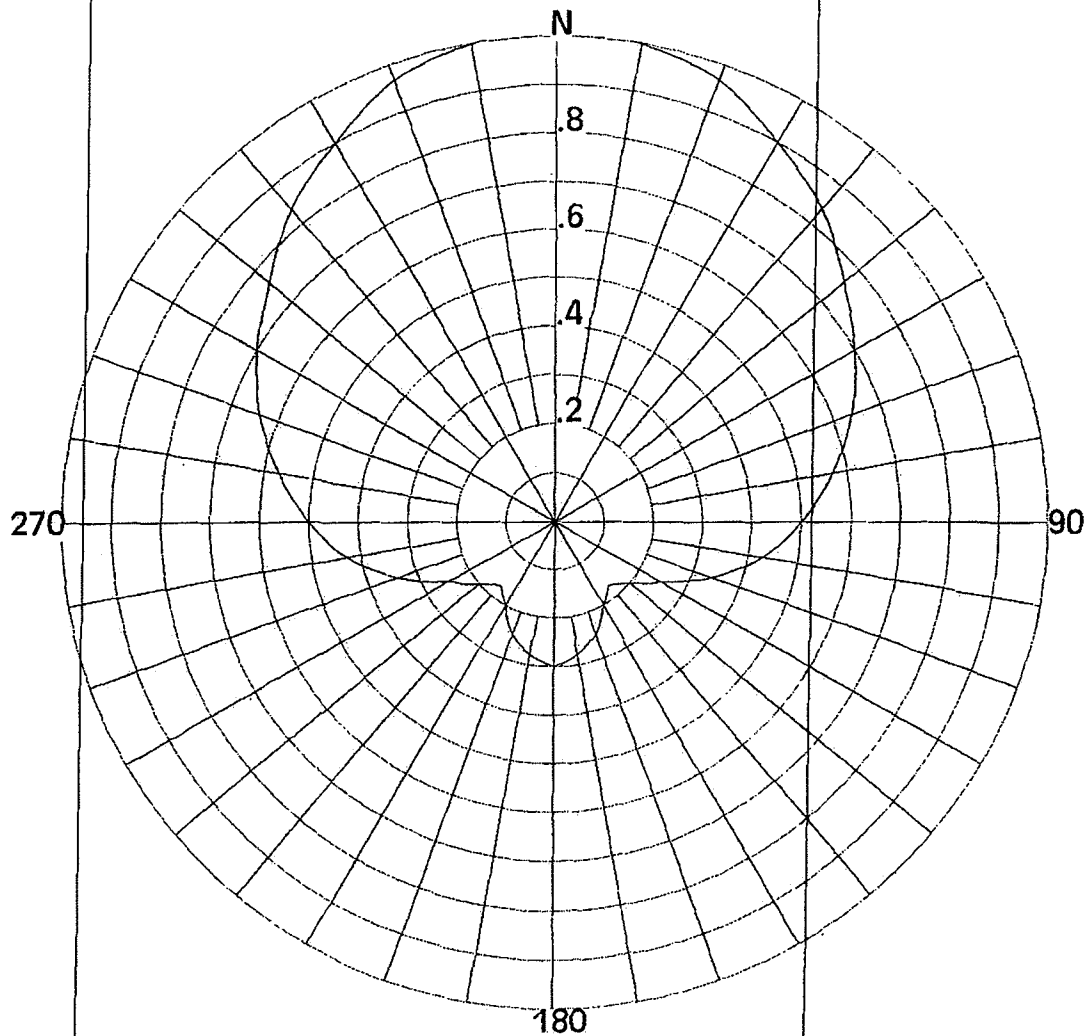
THE PREDICTED GROUND-LEVEL POWER DENSITY, FOR THE PROPOSED DTV OPERATION, BY ITSELF, IS LESS THAN 1% OF THE 0.439 MICROWATT/SQ. CM PUBLIC LIMIT APPLYING AT TV CHANNEL 45 (656-662 MHZ). THUS, THE PROPOSED FACILITIES ARE CATEGORICALLY EXCLUDED FROM HAVING TO CONSIDER THE CONTRIBUTIONS OF OTHER STATIONS ON THE TOWER, OR NEAR THE SITE, PURSUANT TO SECTION 1.1307(B)(3) OF THE FCC RULES.

Attachment 46

Any specified rotation has already been applied to the plotted pattern.

Field strength values shown on a rotated pattern may differ from the listed values because intermediate azimuths are interpolated between entered azimuths.





Azimuth Pattern

Systems With Reliability Inc./ml

Scale: Linear
Units: Absolute

CLIENT: *Factory Direct Sales*
ANTENNA TYPE: *SWMPS24ML/45*
FREQUENCY: *656-662 Mhz.*
PATTERN POL.: *Horizontal*
AZ. DIRECTIVITY: *2.6841 / 4.288dB*

Date: 1/22/99

CIRCULARITY(+/-dB):
PATTERN RMS:

Software Design by: *Micro-Tek Engineering*

Field Strength Tabulation

Azimuth Heading	Field strength(dB)	Azimuth Heading	Field Stren
0	1.00 (.01)	180	.30 (-10.43)
5	1.00 (.01)	185	.29 (-10.72)
10	1.00 (.01)	190	.28 (-11.03)
15	.99 (-.12)	195	.27 (-11.50)
20	.97 (-.26)	200	.25 (-12.01)
25	.94 (-.57)	205	.23 (-12.92)
30	.90 (-.91)	210	.20 (-13.94)
35	.87 (-1.20)	215	.19 (-14.61)
40	.84 (-1.50)	220	.17 (-15.34)
45	.80 (-1.93)	225	.19 (-14.61)
50	.76 (-2.37)	230	.20 (-13.94)
55	.73 (-2.72)	235	.23 (-12.92)
60	.70 (-3.09)	240	.25 (-12.01)
65	.67 (-3.47)	245	.30 (-10.57)
70	.64 (-3.86)	250	.34 (-9.34)
75	.61 (-4.35)	255	.39 (-8.27)
80	.57 (-4.87)	260	.43 (-7.31)
85	.54 (-5.42)	265	.47 (-6.63)
90	.50 (-6.00)	270	.50 (-6.00)
95	.47 (-6.63)	275	.54 (-5.42)
100	.43 (-7.31)	280	.57 (-4.87)
105	.39 (-8.27)	285	.61 (-4.35)
110	.34 (-9.34)	290	.64 (-3.86)
115	.30 (-10.57)	295	.67 (-3.47)
120	.25 (-12.01)	300	.70 (-3.09)
125	.23 (-12.92)	305	.73 (-2.72)
130	.20 (-13.94)	310	.76 (-2.37)
135	.19 (-14.61)	315	.80 (-1.93)
140	.17 (-15.34)	320	.84 (-1.50)
145	.19 (-14.61)	325	.87 (-1.20)
150	.20 (-13.94)	330	.90 (-.91)
155	.23 (-12.92)	335	.94 (-.57)
160	.25 (-12.01)	340	.97 (-.26)
165	.27 (-11.50)	345	.99 (-.12)
170	.28 (-11.03)	350	1.00 (.01)
175	.29 (-10.72)	355	1.00 (.01)

Systems With Reliability Inc./ml

CLIENT: *Factory Direct Sales*

Date: 1/22/99

ANTENNA TYPE: *SWMP524ML/45*

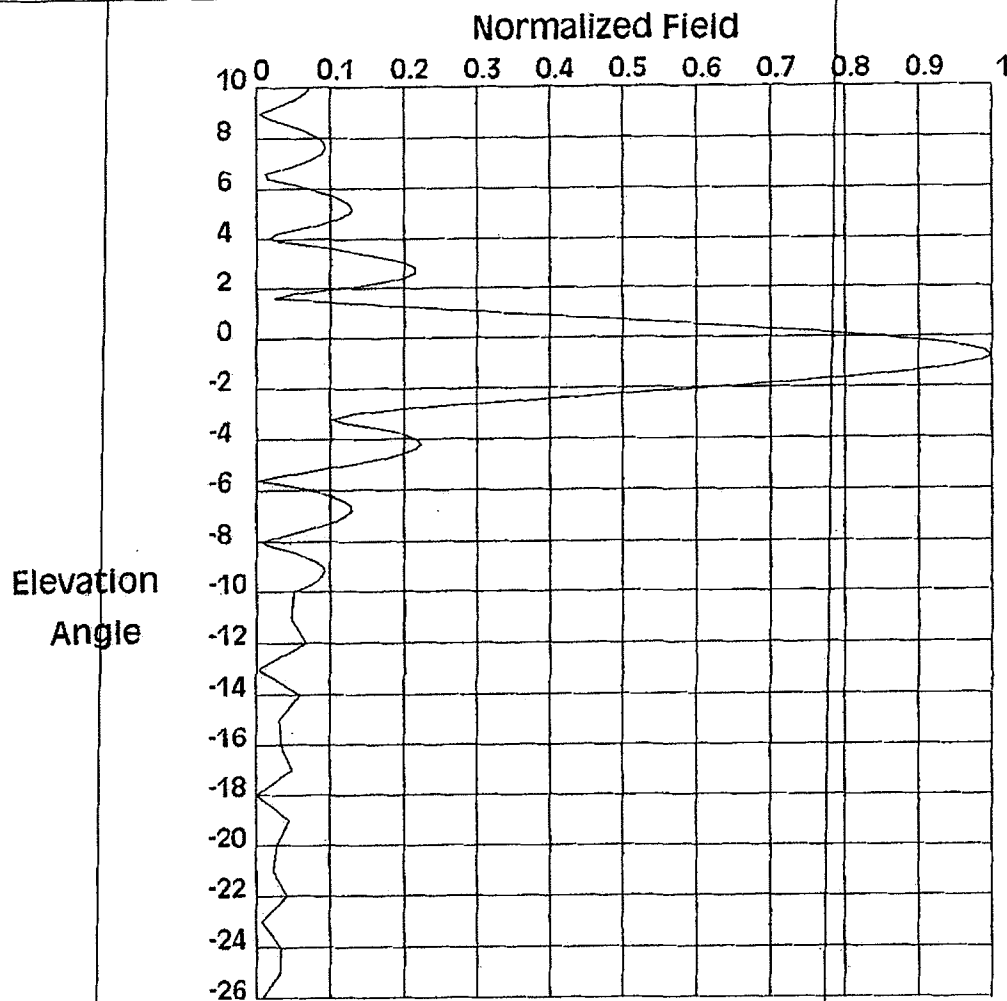
FREQUENCY: *656-662 Mhz.*

PATTERN POL.: *Horizontal*

CIRCULARITY(+/-dB):

AZ. DIRECTIVITY: *2.6841 / 4.288dB*

PATTERN RMS:



Elevation Pattern

Scale: Linear
Units: Absolute

Systems With Reliability Inc./mp24ml-45

CLIENT: *Factory Direct Sales*

Date: 1/22/99

ANTENNA TYPE: *SWMPS24ML/45*

FREQUENCY: *656-662 Mhz.*

PATTERN POL.: *Horizontal*

Beam Tilt (Deg.): *-.75*

Elev. DIRECTIVITY: *27.784/ 14.437dBd*

Null Fill (%) : *10, ,*

Field Strength Tabulation

Elevation Heading	Field strength(dB)	Elevation Heading	Field Strength
6.00	.07 (-22.64)	-1.60	.82 (-1.71)
5.80	.09 (-20.23)	-1.80	.73 (-2.70)
5.60	.11 (-18.71)	-2.00	.63 (-3.97)
5.40	.12 (-17.85)	-2.20	.52 (-5.56)
5.20	.13 (-17.56)	-2.40	.42 (-7.56)
5.00	.12 (-17.85)	-2.60	.31 (-10.10)
4.80	.11 (-18.79)	-2.80	.21 (-13.32)
4.60	.09 (-20.62)	-3.00	.14 (-17.15)
4.40	.06 (-23.96)	-3.20	.10 (-19.50)
4.20	.02 (-31.33)	-3.40	.12 (-17.88)
4.00	.02 (-33.94)	-3.60	.16 (-15.57)
3.80	.06 (-23.97)	-3.80	.20 (-13.99)
3.60	.10 (-19.47)	-4.00	.22 (-13.15)
3.40	.14 (-16.71)	-4.20	.22 (-12.90)
3.20	.18 (-14.90)	-4.40	.22 (-13.19)
3.00	.20 (-13.77)	-4.60	.20 (-14.00)
2.80	.22 (-13.22)	-4.80	.17 (-15.39)
2.60	.21 (-13.23)	-5.00	.13 (-17.52)
2.40	.20 (-13.87)	-5.20	.09 (-20.80)
2.20	.17 (-15.36)	-5.40	.04 (-26.45)
2.00	.12 (-18.26)	-5.60	.00 (-46.31)
1.80	.05 (-24.81)	-5.80	.04 (-27.76)
1.60	.03 (-30.92)	-6.00	.07 (-22.51)
1.40	.12 (-18.35)	-6.20	.10 (-19.84)
1.20	.22 (-13.01)	-6.40	.12 (-18.37)
1.00	.33 (-9.55)	-6.60	.13 (-17.69)
.80	.44 (-7.01)	-6.80	.13 (-17.61)
.60	.55 (-5.07)	-7.00	.12 (-18.10)
.40	.66 (-3.54)	-7.20	.11 (-19.17)
.20	.76 (-2.35)	-7.40	.09 (-20.96)
.00	.85 (-1.43)	-7.60	.06 (-23.78)
-.20	.91 (-.75)	-7.80	.03 (-28.57)
-.40	.96 (-.29)	-8.00	.01 (-40.76)
-.60	.99 (-.04)	-8.20	.02 (-32.32)
-.80	1.00 (.03)	-8.40	.05 (-26.28)
-1.00	.99 (-.10)	-8.60	.07 (-23.25)
-1.20	.95 (-.43)	-8.80	.08 (-21.53)
-1.40	.89 (-.96)	-9.00	.09 (-20.62)

Systems With Reliability Inc./mp24ml-45

CLIENT: *Factory Direct Sales*

ANTENNA TYPE: *SWMP524ML/45*

FREQUENCY: *656-662 Mhz.*

PATTERN POL.: *Horizontal*

Elev. DIRECTIVITY: *27.784/ 14.437dBd*

Date: 1/22/99

Beam Tilt (Deg.): *-.75*

Null Fill (%): *10, ,*

Software Design by: *Micro-Tek Engineerin*

**United States of America
FEDERAL COMMUNICATIONS COMMISSION
DIGITAL TELEVISION BROADCAST STATION
CONSTRUCTION PERMIT**

Authorizing Official:

Official Mailing Address:

SOUTHERN BROADCASTING, INC.
P.O. BOX 1645
TUPELO MS 38802

Clay C. Pendarvis
Associate Chief
Video Division
Media Bureau

Facility Id: 83310

Grant Date: June 05, 2006

This permit expires 3:00 a.m.
local time, February 17, 2009.

Call Sign: WKDH-DT

Permit File Number: BPCDT-20060519ABE

Subject to the provisions of the Communications Act of 1934, as amended, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this permit, the permittee is hereby authorized to construct the radio transmitting apparatus herein described. Installation and adjustment of equipment not specifically set forth herein shall be in accordance with representations contained in the permittee's application for construction permit except for such modifications as are presently permitted, without application, by the Commission's Rules.

Equipment and program tests shall be conducted only pursuant to Sections 73.1610 and 73.1620 of the Commission's Rules.

Name of Permittee: SOUTHERN BROADCASTING, INC.

Station Location: MS-HOUSTON

Frequency (MHz): 656 - 662

Channel: 45

Hours of Operation: Unlimited

Permit No.: BPCDT-20060519ABE

Antenna type: (directional or non-directional): Directional

Beam Tilt: 0.75 Degrees Electrical

Antenna Coordinates: North Latitude: 33 deg 47 min 40 sec
West Longitude: 89 deg 05 min 16 sec

Maximum effective radiated power (Average): 537 kW
27.3 DBK

Antenna structure registration number: 1040183

Special operating conditions or restrictions:

- 1 The grant of this construction permit is subject to the condition that, with ample time before commencing operation, you make a good faith effort to identify and notify health care facilities (e.g., hospitals, nursing homes, see 47 CFR 15.242(a)(1)) within your service area potentially affected by your DTV operations. Contact with state and/or local hospital associations and local governmental health care licensing authorities may prove helpful in this process. During this pre-broadcast period, you must provide all notified entities with relevant technical details of your operation, such as DTV channel, targeted on-air date, effective radiated power, antenna location, and antenna height. You are required to place in the station's public inspection file documentation of the notifications and contacts made and you may not commence operations until good faith efforts have been made to notify affected health care facilities. During this pre-broadcast period and for up to twenty (20) days after commencing operations, should you become aware of any instances of medical devices malfunctioning or that such devices are likely to malfunction due to your DTV operations, you must cooperate with the health care facility so that it is afforded a reasonable opportunity to resolve the interference problem. At such time as all provisions of this condition have been fulfilled, and either upon the expiration of twenty (20) days following commencement of operations or when all known interference problems have been resolved, whichever is later, this condition lapses.

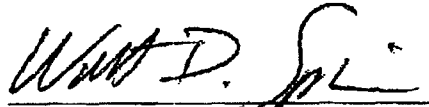
Page 2 of 2

DECLARATION

I, Walter D. Spain, hereby state as follows:

1. I am President of Southern Broadcasting, Inc., licensee of Television Station WKDH, NTSC Channel 45 (and permittee of WKDH-DT, Channel 45), Houston, Mississippi.
2. It is presently planned that WKDH (NTSC) will "flash-cut" to digital operations as WKDH-DT on January 26, 2007, pursuant to, and in accordance with, its DTV authorization under FCC File No.BPCDT-20060519ABE.
3. I am familiar with the content of the foregoing "Comments" prepared on behalf of Southern Broadcasting, Inc., and, other than certain facts of which official notice can be taken, declare the facts contained therein to be true and correct.

I declare under penalty of perjury, that the foregoing is true and correct.



WALTER D. SPAIN

President

SOUTHERN BROADCASTING, INC.

Dated this 24th day of January, 2007